

1-1 By: Williams S.B. No. 732  
1-2 (In the Senate - Filed February 24, 2005; March 2, 2005,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 March 29, 2005, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 5, Nays 0; March 29, 2005,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 732 By: Whitmire

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the administration of polygraph examinations to certain  
1-11 applicants for positions in the Department of Public Safety of the  
1-12 State of Texas.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subsection (c), Section 411.007, Government  
1-15 Code, is amended to read as follows:

1-16 (c) An applicant for a position in the department must be a  
1-17 United States citizen. An applicant may not be questioned  
1-18 regarding the applicant's political affiliation or religious faith  
1-19 or beliefs. The department may not prohibit an officer or employee  
1-20 of the department, while off duty and out of uniform, from placing a  
1-21 bumper sticker endorsing political activities or a candidate for  
1-22 political office on a personal vehicle, placing a campaign sign in  
1-23 the person's private yard, making a political contribution, or  
1-24 wearing a badge endorsing political activities or a candidate. An  
1-25 officer commissioned by the department may not be suspended,  
1-26 terminated, or subjected to any form of discrimination by the  
1-27 department because of the refusal of the officer to take a polygraph  
1-28 examination. Section 411.0074 does not authorize the department to  
1-29 require an officer commissioned by the department to take a  
1-30 polygraph examination.

1-31 SECTION 2. Subchapter A, Chapter 411, Government Code, is  
1-32 amended by adding Section 411.0074 to read as follows:

1-33 Sec. 411.0074. POLYGRAPH EXAMINATIONS FOR CERTAIN  
1-34 APPLICANTS. (a) This section does not apply to:

1-35 (1) an applicant who is currently a peace officer of  
1-36 the department commissioned by the department; or

1-37 (2) an applicant for a police communications operator  
1-38 position who is currently employed by the department in another  
1-39 police communications operator position.

1-40 (b) The department shall require applicants for a peace  
1-41 officer or police communications operator position in the  
1-42 department to submit to the administration of a polygraph  
1-43 examination prior to employment. The polygraph examination shall  
1-44 be administered at a point in the hiring process as determined by  
1-45 the department by rule.

1-46 (c) The polygraph examination required by this section may  
1-47 only be administered by a polygraph examiner licensed under Chapter  
1-48 1703, Occupations Code, who:

1-49 (1) is a peace officer commissioned by the department;  
1-50 or

1-51 (2) has a minimum of two years of experience  
1-52 conducting preemployment polygraph examinations for a law  
1-53 enforcement agency.

1-54 (d) The department and the polygraph examiner shall  
1-55 maintain the confidentiality of the results of a polygraph  
1-56 examination administered under this section, except that:

1-57 (1) the department and the polygraph examiner may  
1-58 disclose the results in accordance with Section 1703.306,  
1-59 Occupations Code; and

1-60 (2) notwithstanding Section 1703.306, Occupations  
1-61 Code, the department may disclose any admission of criminal conduct  
1-62 made during the course of an examination to another appropriate  
1-63 governmental entity.

